

UNITED STATES DISTRICT COURT

for the

District of South Carolina

United States of America

v.

Isai RAMIREZ-CABUS,

a.k.a. Isai Ramirez COBUS

Case No. 9:19 mj 48

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of February 11, 2019 in the county of Jasper in the
South Carolina District of South Carolina, the defendant(s) violated:

*Code Section**Offense Description*

Title 8, United States Code, Section 1326(a).

Did knowingly and unlawfully enter and was found in the United States of America, not having obtained the express consent of the Attorney General or Secretary of Homeland Security to reapply for admission thereto; said defendant then being an alien and having been deported from the United States to Honduras on August 5, 2014.

This criminal complaint is based on these facts:

SEE ATTACHED AFFIDAVIT

☒ Continued on the attached sheet.

Maria E Somers
 Complainant's signature

Maria E. Somers, Deportation Officer
 Printed name and title

Sworn to before me and signed in my presence.

Date: March 25, 2019

[Signature]
 Judge's signature

City and state: Charleston, South Carolina

Bristow Marchant, United States Magistrate Judge
 Printed name and title

STATE OF SOUTH CAROLINA }
 }
 COUNTY OF JASPER }

AFFIDAVIT

PERSONALLY APPEARED before me Deportation Officer Maria E. Somers,
 Charleston, SC Violent Criminal Alien Section, who, being first duly sworn deposes
 and states as follows:

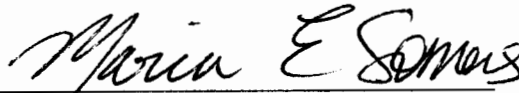
1. I, Maria E. Somers, have been employed as a Deportation Officer for the Department of Homeland Security, Immigration and Customs Enforcement (ICE) since July 2007. I have been employed with ICE (formerly known as the Immigration and Naturalization Service) since September 2002. During that time, I have conducted and participated in numerous administrative and criminal investigations involving violations of the United States Immigration and Nationality Act. I have functioned in a variety of capacities, to include being assigned to the Enforcement and Removal Operations (ICE-ERO), Violent Criminal Alien Section, which identifies and investigates illegal aliens with criminal histories that are subject to prosecution, including violations of Title 8, United States Code (U.S.C.), Section 1326, Illegal Reentry of a Removed Alien;
2. That the information contained in this affidavit is based on my personal participation in this investigation and from information provided to me by other law enforcement officers. As this affidavit is being submitted for the limited purpose of establishing probable cause to support the arrest of Isai RAMIREZ-CABUS, a.k.a. Isai Ramirez COBUS, (henceforth the "Subject") for violation of federal law, including, but not limited to: 8 U.S.C. § 1326(a), I have not included each and every fact known to me concerning this investigation and have set forth only those facts that I believe are necessary for said purpose;
3. In my capacity as the Deportation Officer assigned to this case, I reviewed the records of the U.S. Department of Homeland Security relating to the Subject's Immigration file number A088 237 116. I also consulted with ICE-ERO Charleston, South Carolina Criminal Alien Program (CAP) officers, who conducted additional investigatory actions related to this case;
4. On February 11, 2019, Subject was encountered by Charleston, SC CAP officers while he was detained at the Jasper County Detention Center after being arrested by the Hardeeville Police Department for driving under the influence and other traffic violations. Alienage and inadmissibility were determined by ICE ERO Officers through a biometric match of the Subject's fingerprints which came back to a prior immigration encounter. Record checks confirmed that the Subject was a previously deported alien in violation of the Immigration and Nationality Act, therefore an immigration detainer was lodged with the Jasper County Detention Center;
5. On March 21, 2019, Subject was released and turned over to ICE-ERO custody pursuant to the previously issued Immigration Detainer after posting bond for the pending charges;

6. On March 21, 2019, Subject was transported to the Charleston ICE-ERO office for processing and to conduct fingerprint checks to confirm identity, immigration/criminal record. His fingerprints were entered into the Integrated Automated Fingerprint Identification System (IAFIS), which is directly connected with the National Crime Information Center. The IAFIS system indicated that the Subject is assigned an FBI number and a State Identification (SID) number. The NCIC record for the FBI and SID numbers also revealed that he is a previously removed alien. During the course of the investigation, the following information was collected from immigration and other law enforcement indices and review of the immigration file (A088 237 116):

- (a) That the Subject's true and correct name is Isai RAMIREZ-CABUS, a.k.a. Isai Ramirez COBUS;
- (b) That the Subject was born in 1986 in HONDURAS;
- (c) That the Subject is a native and citizen of HONDURAS;
- (d) That the Subject last entered the United States at or near an unknown place, on an unknown date;
- (e) That on March 12, 2006, Subject was arrested by the Beaufort County Sheriff's Office for the offense of Criminal Sexual Conduct – 3rd Degree;
- (f) That on May 6, 2009, Subject was charged by the Apopka, Florida Police Department for the offense of Possession of Cocaine, charges pending. Outstanding arrest warrant with Florida extradition only;
- (g) That on September 12, 2009, Subject was arrested by the Beaufort County Sheriff's Office for traffic violations and placed into custody for other pending charges;
- (h) That on October 26, 2009, Subject was convicted in the General Sessions Court, Beaufort County, South Carolina for the offense of Assault/Assault and Battery High and Aggravated Nature (ABHAN) and was sentenced to six (6) month's confinement and given credit for time served;
- (i) That on December 14, 2009, Subject, a citizen of Honduras, was ordered removed to Honduras by an Immigration Judge in Charlotte, North Carolina and was removed to Honduras on February 16, 2010 via Columbus, Georgia;
- (j) That on October 9, 2013, Subject's prior order of removal was reinstated by Border Patrol (BP) Officers in Kingsville, Texas and he was removed to Honduras on October 15, 2013 via Harlingen, Texas;
- (k) That on July 30, 2014, Subject's prior order of removal was reinstated by Border Patrol (BP) Officers in Kingsville, Texas and he was removed to Honduras on August 5, 2014 via Brownsville, Texas;

7. On March 21, 2019, Subject was served with a Notice of Intent/Decision to Reinstate Prior Order in North Charleston, SC, which he did not contest;
8. On March 21, 2019, ICE-ERO officers conducted automated record checks of immigration indices and were unable to locate any record that the Subject was granted permission by the Attorney General or the Secretary of the Department of Homeland Security to reapply for admission to the United States after removal. Record checks confirmed that there are no pending applications on the Subject's behalf;
9. Based on the foregoing, I submit there is probable cause to believe that Isai RAMIREZ-CABUS, a.k.a. Isai Ramirez COBUS is in violation of 8 U.S.C. § 1326(a), in that, on or about February 11, 2019, in the District of South Carolina, County of Jasper, he did knowingly and unlawfully enter and was found in the United States of America, not having obtained the express consent of the Attorney General or Secretary of Homeland Security to reapply for admission thereto; said Subject then being an alien and having been removed from the United States to Honduras on August 5, 2014.

This Affidavit has been reviewed by AUSA Dean H. Secor.



Maria Somers, Deportation Officer
Immigration and Customs Enforcement

Subscribed and sworn to before me on this 25 day of March 2019



BRISTOW MARCHANT
UNITED STATES MAGISTRATE JUDGE